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Sarah Clark, Secretary

TO: Senate Committee on Health and Welfare

FROM: Jeffrey Mbarushimana, Policy and Research Analyst

DATE: April 24, 2026

RE: Written Testimony on H. 657 – An Act Relating to Various Programming and Requirements within Department for Children and Families

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The Vermont Office of Racial Equity (ORE) submits this written testimony in support of H.657 and to offer equity analysis on three provisions that are currently contested before the committee: (1) the prohibition on waist shackles for children 12 and under in DCF transport; (2) the definition of unaccompanied youth, specifically the "lack of financial support" eligibility criterion; and (3) the list of services accessible through the unaccompanied youth certification. ORE also offers brief support for H.657's remaining equity-critical provisions, which together make this the most comprehensive child welfare equity bill of the 2026 legislative session.

H.657 and ORE's Equity Mandate

Vermont's child welfare system, including its mandated reporting framework, foster care and residential care structures, family support programs, and juvenile legal system does not operate neutrally across race, income, or family structure. Black, Indigenous, and other communities of color, as well as families experiencing poverty, are disproportionately represented in child welfare investigations, family separations, and residential placements. This is not unique to Vermont. **It is the national pattern, and it is the pattern ORE is mandated to examine and address in Vermont's laws, policies, and programs.**

H.657 directly engages multiple dimensions of this disparity. The Reach Up asset limit elimination addresses the structural poverty penalty that destabilizes families who are disproportionately Black, Indigenous, and Latinx. The Social Security benefits conservation provisions end the practice of requiring children with deceased or disabled parents to fund their own foster care placement. The unaccompanied youth certification creates a legal pathway for homeless youth, disproportionately LGBTQ+ youth of color to access survival services. The restraint and transport provisions respond to documented data showing children zero to ten years old bear a disproportionate share of restraint and seclusion in DCF care. Each provision is an equity intervention.

ORE offers the following analysis on the three contested provisions.

1. The Age-12 Waist Shackle Prohibition Should Be Retained

Law enforcement witnesses requested that the committee remove H.657's absolute prohibition on waist shackles for children 12 and under and rely instead on Vermont's statewide use-of-force policy. ORE respectfully opposes this request.

The racial equity data needed to make this decision does not yet exist in Vermont. H.657 itself includes, for the first time, a requirement that DCF report annually on the use of mechanical restraints broken down by age, gender, and the racial background of the child. Vermont's existing transport data documents 1,206 secure transports of youth in DCF custody over four years (2021-2025), with approximately 98 per year involving mechanical restraints. That data does not currently include a racial breakdown. Until that breakdown exists, any decision to weaken the statutory age-based protection cannot be made with equity integrity.

National peer-reviewed research is unambiguous on this point: **restraint use in psychiatric and residential care settings is consistently documented as racially disproportionate, with Black and multiracial individuals restrained at significantly higher rates than their white counterparts.**[1] Researchers have attributed these disparities to systemic racism and implicit racial bias among inpatient staff, including the phenomenon of "adultification" - the tendency to perceive adolescents of color as older and more threatening than their actual age.[1] Vermont has no reason to believe it is an exception to this national pattern, and no data to confirm it either way.

The statewide use-of-force policy does not provide the same level of specificity or child-welfare accountability as a statutory age-based cutoff. Use-of-force policies are operational documents that can be changed administratively and are not subject to legislative oversight in the same way that statutory standards are. They also do not come with the same data collection and reporting obligations that H.657 establishes. For children in DCF custody who are among the most vulnerable Vermonters, many of whom have histories of trauma, abuse, and neglect a statutory floor for protection is more durable and more accountable than an administrative policy.

ORE recommends: Retain the absolute prohibition on waist shackles for children 12 and under. Allow the first two years of racial breakdown reporting under H.657's new data collection requirement to establish a factual record. If that data demonstrates no racially disparate pattern, the committee can revisit the standard with evidence. Weakening the statutory protection before that data exists would be precisely backwards.

2. "Lack of Financial Support" Should Be Retained in the Unaccompanied Youth Definition

Vermont Family Alliance has requested that the committee strike "lack of financial support" from the definition of unaccompanied youth, arguing it is overbroad and that "abandonment" already captures the relevant circumstance. ORE opposes this change.

LGBTQ+ youth are disproportionately represented in Vermont's homeless youth population, and they are disproportionately homeless precisely because parents have

withdrawn financial support after a youth disclosed their gender identity or sexual orientation. A 2022 report by The Trevor Project - drawing on 2021 survey data from 34,759 LGBTQ youth ages 13-24 across the United States found that 28% of LGBTQ youth reported experiencing homelessness or housing instability at some point in their lives[2], with family rejection identified as a primary driver. Native/Indigenous LGBTQ youth faced rates approaching 50%. The report found that LGBTQ youth who experienced housing instability attempted suicide at more than three times the rate of their LGBTQ peers who had not experienced housing instability.

"Abandonment" as a legal standard requires proof of a parent's intent to permanently and completely relinquish their parental relationship. Many parents who withdraw financial support from an LGBTQ+ child do not intend full legal abandonment - they may maintain contact, exercise custody rights in some contexts, or simply refuse to support a child whose identity they do not accept. Under a strict "abandonment" standard, those youth whose homelessness is just as real and whose danger is just as acute would not qualify for certification.

"Lack of financial support," by contrast, is a factual standard. Either the parent or guardian is providing financial support sufficient for the youth's basic needs, or they are not. A qualified certifier - a school district homeless liaison, emergency shelter director, runaway youth program director, or Continuum of Care lead agency makes that determination based on the youth's actual circumstances, not the parent's intent. This is the right standard for a provision designed to reach the youth who are most in need.

ORE notes that thirty-five states already have laws providing similar pathways for unaccompanied youth. Vermont's bill reflects the lessons of nearly a decade of state-level implementation across red and blue states. No state that has enacted this provision has removed "lack of financial support" as an eligibility criterion after enactment, it is the standard precisely because the population it serves requires it.

ORE recommends: Retain "lack of financial support" in the definition of unaccompanied youth. If the committee has concerns about overbreadth, consider adding a qualifier that the lack of financial support renders the youth homeless or at risk of homelessness, which is already implicit in the bill's structure but could be made more explicit.

3. Court Diversion and YSASP Should Be Added to the Accessible Services List

The AG's Office has requested that court diversion programs (3 V.S.A. § 164) and the Youth Substance Awareness Safety Program (YSASP) be added to the list of services an unaccompanied youth may access using their certification. ORE supports this addition.

Homeless youth aged 16 and 17 who are involved in the juvenile legal system, whether through a diversion referral or a YSASP enrollment - face a specific and documented access barrier: they cannot legally consent to participate in these programs without a parent or guardian. This means a youth who is homeless due to family rejection, abuse, or neglect may be unable to

access exactly the services designed to help them stabilize, avoid deeper legal system involvement, and address substance use, simply because no adult with legal authority is available to consent on their behalf.

Court diversion programs are designed to divert youth from prosecution and toward community-based accountability and support. Denying a homeless youth access to diversion because they cannot get parental consent means they face prosecution instead. That is precisely the opposite of the juvenile diversion system's purpose, and it disproportionately harms the LGBTQ+ youth, youth of color, and youth in poverty who are overrepresented in both the homeless youth population and the juvenile legal system.

Adding court diversion and YSASP to the accessible services list is a straightforward, low-cost improvement that extends the certification's practical utility to two programs where access barriers are well documented and where the equity stakes are highest.

ORE recommends: Add court diversion (3 V.S.A. § 164) and the Youth Substance Awareness Safety Program to the list of services accessible through unaccompanied youth certification, as proposed by the AG's Office.

4. ORE's Support for H.657's Additional Equity-Critical Provisions

ORE also expresses support for the following provisions in H.657:

Reach Up Asset Limit Elimination (Section 1): Eliminating the $9,000 asset limit allows low-income families to build modest savings without losing TANF eligibility. As of July 2022, nine states - Alabama, Colorado, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Ohio, and Virginia had already eliminated their TANF asset tests,[3] with no documented significant increase in program enrollment. Research shows that TANF cash assistance is associated with reduced child maltreatment and neglect, reduced CPS involvement, and reduced foster care placements.[4] Seventy percent of Vermont Reach Up beneficiaries are children. Allowing families to save is both an anti-poverty intervention and a child welfare intervention.

Social Security Benefits for Youth in Foster Care (Sections 2-3): Vermont's current practice of using children's Social Security benefits (SSI and Title II survivor/disability) to offset the cost of their foster care placement requires children with deceased or disabled parents to pay for their own care while children without Social Security benefits do not bear that cost. The federal Administration for Children and Families has directly invited Vermont to change the practice. Research on direct cash transfer programs for youth aging out of foster care documents meaningful improvements in housing stability, credit building, and wellbeing when young people have access to their own financial resources.

Secure Transport and Restraint/Seclusion Data Collection (Sections 9-14): The requirement that Vermont collect and annually report restraint and seclusion data broken down by age, gender, and race is the most important new accountability tool in this bill. Vermont does

not currently have this data in a systematic form. Creating it is the prerequisite for any future evidence-based equity analysis of DCF's use of restraint, including whether the absolute age-12 waist shackle prohibition should be revisited.

Conclusion

H.657 represents a sustained, multi-provision effort to address structural inequities embedded in how Vermont's child welfare system operates. ORE is grateful for the committee's thorough and equity-attentive approach to the bill's contested provisions. We respectfully urge the committee to: **retain the age-12 absolute prohibition on waist shackles; retain "lack of financial support" in the unaccompanied youth definition; and add court diversion and YSASP to the accessible services list.** Taken together, these positions protect the youth whose access to safety is most at risk if the bill is weakened.

ORE is available to provide additional research, data, or analysis to support the committee's work on H.657. We thank the committee for the opportunity to submit this testimony.

Citations

1. Kruse, M., et al. (2023). Race-Based Disparities in the Frequency and Duration of Restraint Use in a Psychiatric Inpatient Setting. Psychiatric Services. American Psychiatric Association Publishing. doi: 10.1176/appi.ps.20230057. Available at: https://doi.org/10.1176/appi.ps.20230057. The study examined 29,739 adolescent and adult inpatients (2012–2019) and found Black and multiracial individuals were more likely to undergo restraint than white counterparts, with disparities attributed to systemic racism and implicit racial bias, including 'adultification' - the tendency to perceive adolescents of color as older than their actual age.

2. DeChants, J., et al. (2022). Homelessness and Housing Instability Among LGBTQ Youth. The Trevor Project. Based on The Trevor Project's 2021 National Survey on LGBTQ Youth Mental Health (n=34,759, ages 13–24). Available at: https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022/. Key finding: 28% of LGBTQ youth reported experiencing homelessness or housing instability at some point in their lives, including nearly half (approximately 47%) of Native/Indigenous LGBTQ youth; family rejection identified as a primary driver.

3. Dehry, I., Knowles, S., & Shantz, K. (2023). Welfare Rules Databook: State and Territory TANF Policies as of July 2022. OPRE Report 2023-327. U.S. Department of Health and Human Services, Administration for Children and Families, Office of Planning, Research and Evaluation. Urban Institute. Available at: https://wrd.urban.org. Table I.C.1 documents that as of July 2022, nine states (Alabama, Colorado, Hawaii, Illinois, Louisiana, Maryland, Massachusetts, Ohio, and Virginia) had eliminated asset tests for TANF assistance program eligibility.

4. Ginther, D. K., & Johnson-Motoyama, M. (2022). Associations Between State TANF Policies, Child Protective Services Involvement, and Foster Care Placement. Health Affairs, 41(12), 1744–1753. doi: 10.1377/hlthaff.2022.00395. The study found that for each additional TANF policy restricting access to benefits, child maltreatment and foster care involvement increased. States with more accessible cash assistance showed reduced CPS involvement and foster care placements.

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